IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
WRIT PETITION NO.845 OF 2004 (M/S).

Smt. Surender Kaur & Another ….. Petitioners
Versus
Civil Judge (J.D.), Rudrapur,
Udham Singh Nagar & others. ….Respondents

HON'BLE RAJESH TANDON J.

By the present writ petition the petitioner has prayed for a writ of certiorari quashing of the order dated 02.07.2004 and 20.08.2004.

As will appear from the order dated 20.08.2004 that the application has been rejected only on the ground that the petitioner could not explain the delay in filing the application for recalling the order. The court below has observed as under:

''वादी द्वारा अपने प्रार्थना पत्र में बिलम्ब को क्षमा करने हेतु प्रत्येक दिन का पर्याप्त कारण न बताये जाने के कारण वादी का प्रार्थना पत्र 68 ग निरस्त किए जाने योग्य है।

वादी का प्रार्थना पत्र 68 ग निरस्त किया जाता है।

The application has been rejected on the aforesaid ground, opportunity is given to the petitioner to file a proper application and the court below shall adopt a justice oriented approach and shall not stick upon for each days explanation.

Subject to the aforesaid observation, the writ petition is disposed of. No order as to costs. Opportunity be given to file a proper application explaining the delay which shall be considered by the court below.

Dated:13.09.2004. **(Rajesh Tandon J)**
S.S.Negi